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6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA,) 2:04-CR-0220-WBS
10)
11) STIPULATION AND APPLICATION FOR
Plaintiff,) FINAL ORDER OF FORFEITURE
12 v.) AND ORDER ADOPTING
THE PARTIES STIPULATION AND
13 SEKHARITH BE,) ENTERING FINAL ORDER OF
FORFEITURE
14 Defendant.)
15 _____)

16 The United States applies for a Final Order of Forfeiture based
17 on this stipulation between plaintiff United States of America, Chun
18 Phic Lim, Sekharith Be, and petitioners Alex Chen Ma and Long Ta:

19 1. This is a criminal action against the above-captioned
20 defendant. The Indictment filed June 3, 2004, and the Superseding
21 Indictment filed September 9, 2004, provided notice that the
22 government intended to seek forfeiture of all property, real and
23 personal, involved in offenses listed in Counts One through Seven,
24 and all property traceable thereto. The Indictments further
25 provided that pursuant to 21 U.S.C. § 853(p), as incorporated by 18
26 U.S.C. § 982(b), the government intended to seek forfeiture of
27 substitute property.

28 2. Following defendant Sekharith Be's plea on Count Seven of

1 the Superseding Indictment, a violation of 18 U.S.C. § 1960, the
2 Court entered a Preliminary Order of Forfeiture forfeiting the
3 defendant's interest in the following assets pursuant to Fed. R.
4 Crim. P. 32.2, 18 U.S.C. § 982(a)(1), and U.S.C. § 982(b)(1)
5 (incorporating provisions of 21 U.S.C. § 853(p)):

- 6 a. Approximately \$22,000.00 in U.S. Currency
7 seized on or about May 18, 2004;
- 8 b. Approximately \$4,248.00 in U.S. Currency with
9 Potential Collector Value seized on or about May
10 18, 2004;
- 11 c. 47 pieces of jewelry seized on or about May 18,
12 2004; and
- 13 d. 39 clear cut stones seized on or about May 18,
14 2004.

15 See Preliminary Order of Forfeiture filed September 15, 2005.

16 Hereinafter, the above-listed assets are collectively referred to as
17 the "Assets". The Assets constitute substitute assets pursuant to
18 18 U.S.C. § 982(b)(1) (incorporating 21 U.S.C. § 853(p)). The
19 Court's Preliminary Order of Forfeiture authorized the United States
20 to commence ancillary proceedings pursuant to 21 U.S.C. § 853(n) (as
21 incorporated by 18 U.S.C. § 982(b)(1)) and Local Rule 83-171, by
22 publishing notice of this action in the Stockton Record (San Joaquin
23 County), and by providing direct written notice to any person known
24 or alleged to have an interest in the above-described properties.

25 3. On or about January 6, 2006, Long Ta filed an ancillary
26 petition in this matter asserting an interest in the approximately
27 39 clear cut stones. On or about January 6, 2006, Alex Chen Ma
28 filed an ancillary petition in this matter asserting an interest in
the approximately \$22,000.00 in U.S. Currency seized on or about May
18, 2004. These petitions remain pending.

1 4. On November 8, 2005, the United States filed proof of
2 publication reflecting publication in the Stockton Record on October
3 18 and 25, 2005, and November 1, 2005.

4 5. Chun Phic Lim has not filed a petition, but has a potential
5 interest in at least some of the Assets, as well as others seized by
6 the United States.

7 6. The United States, Alex Chen Ma, Long Ta and Chun Phic Lim
8 have reached an agreement concerning the Assets, premised on the
9 following stipulations and agreements:

10 A. The Court may enter a Final Order of Forfeiture, forfeiting
11 to the United States of America, to be disposed of according to law:

- 12 1. Approximately \$22,000.00 in U.S. Currency
13 seized on or about May 18, 2004;
14 2. Approximately \$4,248.00 in U.S. Currency with
15 Potential Collector Value seized on or about May
16 18, 2004;

17 B. Within thirty (30) days of the entry of an order on this
18 stipulation and application, the government shall return the
19 following assets to potential petitioner Chun Phic Lim:

20 47 pieces of jewelry seized on or about May 18, 2004.

21 C. Within thirty (30) days of the entry of an order on this
22 stipulation and application, the government shall return the
23 following assets to Long Ta:

24 39 clear cut stones seized on or about May 18,
25 2004.

26 7. On or about May 18, 2004, federal law enforcement officials
27 seized an additional sixteen pieces of assorted jewelry from safe
28 deposit box R-9091 located at 503 W. Benjamin Holt Drive, Stockton,
CA (hereinafter the "Additional Assets"). On or about July 12,

1 2004, the Department of the Treasury commenced an administrative
2 forfeiture proceeding against the Additional Assets. After due
3 notice and publication, Sekharith Be and Chun Phic Lim filed
4 administrative claims to the Additional Assets.

5 8. In lieu of seeking an order amending the Preliminary Order
6 of Forfeiture to include the forfeiture of the Additional Assets,
7 Chun Phic Lim, Sekharith Be and the United States have reached the
8 following agreements with respect to such assets:

9 A. Be and Lim do hereby withdraw their administrative
10 claims to the assets identified in Attachment A hereto, and consent
11 to the administrative forfeiture of such assets.

12 B. The United States shall within thirty (30) days return
13 to Chun Phic Lim, care of her counsel, the items identified in
14 Attachment B hereto.

15 9. Chun Phic Lim, Alex Chen Ma and Long Ta hereby release
16 plaintiff United States of America and its servants, agents, and
17 employees and all other public entities, their servants, agents, and
18 employees, from any and all liability arising out of or in any way
19 connected with the Government's criminal forfeiture procedures
20 against the defendant property. This is a full and final release
21 applying to all unknown and unanticipated injuries, and/or damages
22 arising out of said seizure, forfeiture, or sale, as well as to
23 those now known or disclosed. The parties to this stipulation waive
24 the provisions of California Civil Code § 1542.

25 10. All parties are to bear their own costs and attorneys'
26 fees.

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11. Counsel represent that they have authority to enter into this stipulation on behalf of their clients.

DATED: 3/15/06

McGREGOR W. SCOTT
United States Attorney

/s/ Courtney J. Linn
COURTNEY J. LINN
Assistant U.S. Attorney

DATED: 3/14/06

/s/ Scott Tedmon
SCOTT TEDMON
Attorney for Chun Phic Lim and
Sekharith Be

DATED: 3-1-06

/s/ Allan F. Jose
ALLAN F. JOSE
Attorney for Alex Chen Ma
and Long Ta

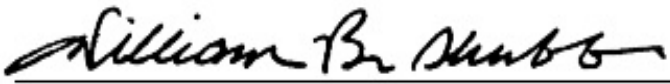
(Original signatures retained by
attorney)

**ORDER ADOPTING STIPULATION OF PARTIES
AND ENTERING FINAL ORDER OF FORFEITURE**

The Court hereby adopts in full this Stipulation and grants the application for a Final Order of Forfeiture. A Final Order of Forfeiture is hereby entered based on the terms set forth above.

IT IS SO ORDERED.

DATED: March 17, 2006


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

Attachment A

1. Men's diamond and sapphire ring,
2. Silver colored linked bracelet with inlayed diamonds,
3. Gold link bracelet,
4. Gold link necklace,
5. Gold colored belt buckle with rubies and diamonds,
6. Men's size gold ring with no center stone,
7. Men's ring with sapphire center stone and diamonds,
8. Men's ring with sapphire center stone and diamonds, and
9. Men's ring with ruby center stones and diamonds.

Attachment B

1. Two Dupont pens with diamonds in the clip,
2. Bracelet comprised of gold and diamonds,
3. Silver colored ring with a large center stone,
4. Men's diamond and sapphire ring,
5. Men's gold wedding band,
6. Foreign Currency, and
7. Gold rope necklace with a Buddha pendant.